

Defendants.

Case No. 2:21-CV-463-JRG

JURY TRIAL DEMANDED

Filed Under Seal

DECLARATION OF C.K. HONG

I, Chun K. (“C.K.”) Hong declare as follows:

1. I am submitting this declaration in support of Netlist, Inc.’s Motion to Quash Defendants’ Trial Subpoena on Chun Ki Hong. Unless otherwise specified, I have personal knowledge of the facts stated herein, and, if called as a witness, could and would testify to such facts competently under oath.

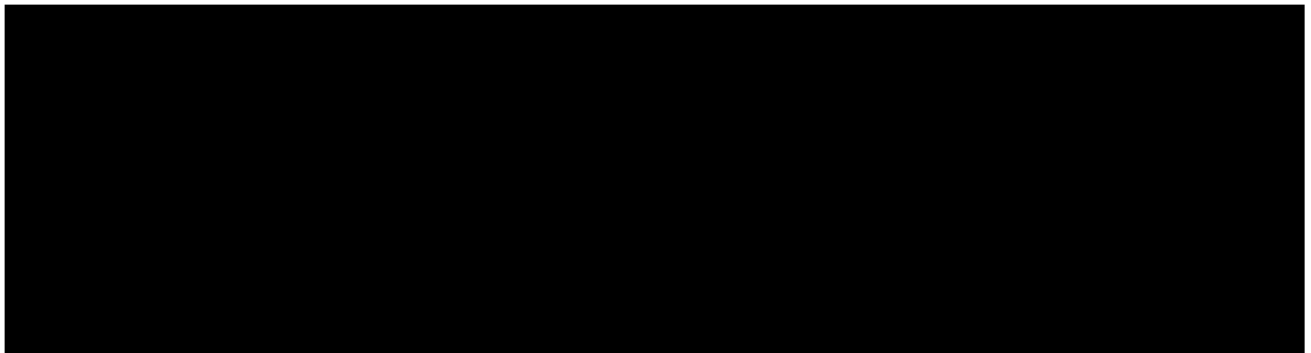
2. I understand that Samsung served a “Notice of Subpoenas to Scott Milton and Chun Ki Hong” on counsel for Netlist on May 12, 2023. Attached to the notice was a subpoena on me at 4 Sailview, Newport Coast, CA 92657-1720. I was served with the subpoena in the evening on May 12, 2023 in Southern California. However, the subpoena commanded that I appear in the United States District Court located at 100 East Houston Street in Marshall, Texas, at 8:30 am on May 30, 2023.

3. I am the Chief Executive Officer (“CEO”) and co-founder of Netlist, Inc. (“Netlist”). My office, where I am employed and regularly conduct business, is located at 111 Academy Way, Suite 100, Irvine, CA 92617.



5. Neither my home nor my office is within 100 miles of the District Court located at 100 East Houston Street, in Marshall, Texas. Instead, they are both over 1,500 miles away.

6. I do not reside in Texas, and I am not employed or regularly conduct business in Texas. I have not visited Texas in the last twelve months.



[REDACTED]

[REDACTED]

[REDACTED]

8. I would incur substantial burden and expenses to travel to Marshall, Texas and testify at trial, because I do not reside in Texas or in this District, and also because I would have to cancel or reschedule the pre-planned international trip I am currently on to attend the bench trial, in addition to losing the business-related opportunities that may not resurface given the scheduling loss.

9. I previously agreed to testify at deposition in this case, and my deposition was taken on December 16, 2022. Counsel for Samsung took my deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 16, 2023, in Seoul Korea

DocuSigned by:
By: Chun Ki Hong
C.K. Hong 48078FB99D0140D...